

RECEIVED

BEFORE THE

JAN 16 2004

Federal Communications CommissionFEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.622(b))	MM Docket No. 99-277
Table of Allotments.)	RM-9666
Digital Television Broadcast Stations.)	
(Corpus Christi, Texas))	

To Chief, Video Division, Media Bureau

**MOTION TO DISMISS COMMENTS IN SUPPORT OF
PETITION FOR RECONSIDERATION**

Channel 3 of Corpus Christi, Inc., licensee of television station KIII, Corpus Christi, Texas ("KIII"), by its attorneys, request that the Commission dismiss the Comments in Support of Petition for Reconsideration filed on January 6, 2004 by the Community Broadcasters Association ("CBA") in the above-referenced proceeding. CBA's Comments request the Commission to rescind its Report and Order allotting DTV Channel 8 to Corpus Christi, Texas.

The Comments of the CBA must be dismissed because they are late filed, constitute an unauthorized pleading and do not meet the acceptability standards for petitions for reconsideration. First, because the Comments were filed over 4 years after the November 1, 1999 comment filing deadline established by the Report and Order in this case, they must be dismissed. Section 1.415(b) of the Commission's rules. Second, the Comments must be dismissed because they constitute an unauthorized pleading under Section 1.415(d) of the Commission's rules which provides that no additional comments may be filed unless specifically requested or authorized by the Commission. Third, to the extent the Comments request reconsideration of the Report and Order, they must be dismissed because the CBA has failed to

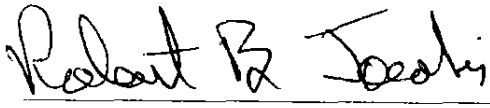
C14

satisfy any of the prerequisites for acceptable petitions set forth in Section 1429(b) of the Commission's rules

In view of the foregoing, it is requested that the CBA Comments be dismissed

Respectfully submitted

CHANNEL 3 OF CORPUS CHRISTI, INC.

By 
Robert B. Jacobi
Ronald A. Siegel

Cohn and Marks LLP
1920 N Street, N W , Suite 300
Washington, D C 20036-1622
Tel (202)-293-3860

Its Attorneys

Dated. January 16, 2004

CERTIFICATE OF SERVICE

I, Barbara J. McKeever, hereby certify that I have mailed, first class U.S. mail, postage prepaid, or have caused to be hand-delivered, on this 16th day of January, 2004, a copy of the foregoing MOTION TO DISMISS COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION to the following:

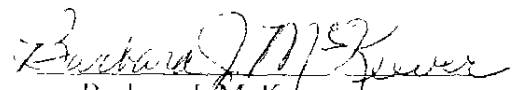
Peter Tannenwald, Esq.
Jason S. Roberts, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W., Suite 200
Washington, D.C. 20036-3101
Counsel for Channel 7 of Corpus Christi, Inc. and
Community Broadcasters Association

Margaret L. Miller, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W., Suite 800
Washington, D.C. 20036-6082
Counsel for the University of Houston System

Margaret L. Tobey, Esq.
Morrison & Foster
2000 Pennsylvania Avenue, N.W., Suite 5500
Washington, D.C. 20006
Counsel for Alamo Public Telecommunications Council

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W., Suite 301
Washington, D.C. 20016-4118
Counsel for Minerva Lopez

Mr. Hossein Hashemzadeh^{*,†}
Federal Communications Commission
Media Bureau
The Portals II
445 12th Street, S.W., Room 2-C866
Washington, D.C. 20554


Barbara J. McKeever

^{††} Via Hand Delivery